

## R E M A R K S

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the RCE submitted herewith and in view of the amendments, and the discussion that follows. Claims 1-27 are pending in this application. Claims 1-27 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 7,269,253 to Wu et al. ("Wu"). Claims 1, 3, 12, 13, 22, and 26 have been amended. After a careful review of the claims, it is believed that the claims are in allowable form and a Notice of Allowance is respectfully requested.

Claims 1, 3, 12, 13, 22, and 26 have been amended for clarification. Claims 3 and 13 have been amended to recite a low bid double click feature (see e.g., paragraph 0044). Claim 12 has been amended to call for context information including textual content or context from which the call originated (see e.g., paragraph 0029); claims 22 and 26 have been amended to call for contextual information (see e.g., paragraph 0017 and 0029).

Claims 1-27 have been rejected as anticipated by Wu. Wu describes a system to optimize selection of agents. However, Wu only generally mentions agent bid system involving agent bidding of a commission rate (see e.g., Col 21, lines 52-62) but does not disclose providing contextual information of the calls to the agents for bidding prior to assignment of the call. The only description regarding information in the cited passage of Wu describes agent eligibility standards requiring an agent to be sufficiently competent to handle the call based upon the information available and exclusion of those with skills far in excess of what is required. However, this is not information provided to the agent, it is information used by the system to qualify the agents (Col. 21, lines 33-55). This does not describe or suggest display of contextual information of the call to the agent. There is no discussion whatever of the agent having call context information. The Office Action also suggests that retrieval of call records and call

characteristics shown in Fig. 1, discloses this feature. However, caller records and call characteristics are not context information of the pending call but instead is call associated information (see paragraph 0017) or records of prior calls not the pending call. Further, Fig. 1 describes an automatic selection process not a bidding process (see Col. 34, line 58 to Col. 35, line 64). It is not related to the general description of bidding in Col. 21. Thus, it does not disclose displaying information to the agent prior to the assignment of the call, or allowing bidding by the agent, or receiving the bids, or assigning based on the bids. Wu at Col. 21 only generally describes commission bidding with no description of providing information for bidding by agents before assignment. Based upon this distinction, all the claims are distinguishable over the disclosure of Wu. Thus, the independent claims 1 and 27 and all dependent claims are distinguishable over Wu because Wu does not disclose use of contextual information or providing of the contextual information to the agent prior to call assignment.

With regard to claims 3 and 13, Wu also does not disclose submission of a lowest bid in response to double clicking an Enter Bid indicator. Claim 12 calls for textual context or a descriptor indicating the context from which the call originated, which is also not disclosed by Wu. Claim 4 calls for a separate call selection window for each call. The Office Action asserts that Wu discloses this in Col. 21, lines 39-62. However, this passage describes selecting an agent, but does not describe providing the claimed information to the agents, nor display in a separate window for each call. Regarding claim 11, Wu at the cited portion (Col. 21, lines 52-62) only generally describes a commission bidding system but nowhere describes assigning a call to a default agent if no acceptable bids are received within a predetermined time period. There is no description of assigning the call to the agent excluded from the bidder pool, or assigning to any other agent. In fact, the call cannot be assigned to the excluded agent, he has been excluded for that call.

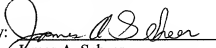
With regard to claims 9, 10, 20, and 24, Wu describes scoring an agent based on number of units sold per unit time, or time to close a sale (Col. 21, lines 44-46) and describes rejecting bids for lack of competence or excessive skills (Col. 21, lines 53-56), but does not describe group average calls per unit time (time to close and sales per unit time are not calls per unit time), and does not describe rejecting bids based on criteria such as group average of calls per unit time or the agent's determined average call rate. Agent selection based on best agent is not described in the context of bidding, nor is number of units sold. Further, description of best agent, or unit sold does not disclose the claimed group average of calls handled, or the agent average. Nor does Wu describe rejecting bids based upon the number of calls handled in a time period exceeding the group average by a threshold amount (Claim 24). Thus, claims 9, 10, 20, 21, and 24 are believed to be further distinguishable for these reasons.

As discussed above, claims 1-27 are believed to be allowable over the cited reference. Therefore, allowance of all pending claims 1-27 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

HUSCH BLACKWELL SANDERS  
WELSH & KATZ

By:

  
James A. Scheer  
Reg. No. 29,434

Dated: April 8, 2009  
HUSCH BLACKWELL SANDERS  
WELSH & KATZ  
120 South Riverside Plaza, Suite 2200  
Chicago, Illinois 60606  
(312) 655-1500 Telephone  
(312) 655-1501 Facsimile